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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 003412

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TAGS: [PGOV](#) [KDEM](#) [KWMN](#) [PREL](#) [IZ](#)

SUBJECT: AMBASSADOR KHALILZAD MEETS WITH IRAQI WOMEN'S LOBBY GROUP

Classified By: Ambassador Zalmay Khalilzad for reasons 1.4 (b) and (d)

. (C) SUMMARY: In his meeting with the newly formed Iraqi Women's Lobby Group, Ambassador Khalilzad explained his engagement in the constitutional drafting process and listened to the group's concerns about the status of women in the constitution. The group requested that the Ambassador exert pressure on political leaders to ensure that the constitution either exclude reference to a personal status law or, if one must be mentioned, that it be the Personal Status Law of 1959, with a recommendation for amendment in the near future. The women expressed dismay over current drafts of the constitution, which would codify Islam as "a principle source" of law and which the women perceive would elevate Islam above other sources. Two members of the group from Sadr City cautioned the Ambassador against constitutional recognition of tribal laws that would legitimize violence against women in the name of tribal honor. One member criticized a draft she had seen that puts emphasis on the government's role in preserving the family's religious, moral, and political values. An advisor to the drafting committee warned against any effort to strengthen the perceived role of the Shia religious authorities (Marja'ya), and another person requested greater access to the TV network in order to discuss the constitution from the women's point of view.

Personal Status Law

12. (C) The Women's Lobby Group argued passionately that the new Iraqi constitution must ensure that the personal status of Iraqi women is defined under one law. Should personal status issues be left to each religious sect, succeeding rulings would likely be based on the interpretations of the clergy, they predicted. Absent a unified law, the Lobby Group cautioned, the women likely to be most affected would be those in the rural areas who would become subject to the interpretations and rulings of clerics regardless of their sect or religion. The group agreed with a recommendation by one member of the women's lobby that Iraqi's Personal Status Law of 1959, while good for this time, needs improvement.

"A Source" vs. "A Principle Source"

13. (C) The Lobby Group asserted to Ambassador Khalilzad that the Shia Coalition gambit of using Islam as "the source" for legislation was a bargaining tactic only. Therefore, the group rejected what is currently referred to as a compromise whereby the constitution would specify that Islam is "a principle source" of legislation. One member of the lobby said that adopting Islam as a principle source will create a pyramid of laws in which Islam will be at the apex. The group accepted characterizing Islam as a principle source as long as "other principle sources" are equally designated in the constitution. One member of the group warned that having Islam as the top of the constitutional pyramid, which would be supported by a phrase stipulating that no legislation can contradict the tenets of Islam, would imply that the focus of a constitutional court would shift from protecting individual rights to protecting Islam. (Comment: Some of the Shia constitutional negotiators vehemently disagree with this interpretation. They believe that the constitution, as drafted, would amply protect women. End comment.)

Tribal Laws and Violence Against Women

14. (C) Two members from Sadr City cautioned that including tribal laws in the constitution would legitimize these laws, which would result in increasing violence against women, including honor killing. One lawyer added that tribal laws would impose certain values on families that would further subjugate Iraqi women. (Comment: In the latest draft we have seen, there is no mention of tribal law. However, some tribal shaykhs in the National Assembly are agitating for an explicit recognition of tribal customs. End comment.)

Other Issues

15. (C) The Iraqi Women's Lobby Group raised other concerns including access to al-Hurrah TV to broadcast programs relating to women in the constitution. (Comment: We are encouraging this group to discuss possible communications strategies regarding gender issues with the USAID-funded International Republican Institute, which does much media-related work here. End comment.)

Comment

16. (C) The Iraqi Women's Lobby Group became more optimistic after hearing about the Ambassador's involvement in the constitution drafting process. The mood of the meeting shifted from despair to moderate optimism after the group members sensed that their concerns were finally being given favorable hearing. End comment.
Khalilzad